

Report Date: April 24, 2006

**United States District Court**

**for the**

**Eastern District of Washington**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**APR 26 2006**

**JAMES R. LARSEN, CLERK**  
**SPOKANE, WASHINGTON** **DEPUTY**

Name of Offender: Robert Elee Tucker

Case Number: 2:03CR00117-001

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, U.S. District Judge

Date of Original Sentence: 09/20/2004

Type of Supervision: Supervised Release

Original Offense: Manufacture Over 50 Marijuana  
Plants, 21 U.S.C. § 841(a)(1)

Date Supervision Commenced: 02/17/2006

Original Sentence: Prison - 37 Months; TSR - 72  
Months

Date Supervision Expires: 02/16/2012

---

---

**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 17 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 18 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

**CAUSE**

The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9<sup>th</sup> Cir. 2005), and to request that the conditions of supervision be modified to authorize a maximum of six random drug tests per month.

Robert Tucker was asked whether he would waive his right to a hearing and agree to the modifications as previously described. As indicated by the enclosed Waiver of Hearing to Modify Conditions of Supervised Release form, Mr. Tucker has agreed to the proposed modifications.

Prob 12B

**Re: Tucker, Robert Elee**

**April 24, 2006**

**Page 2**

It is respectfully recommended that the attached Waiver of Hearing to Modify Conditions of Supervised Release be adapted.

Respectfully submitted,

by

Tommy Rosser

Tommy Rosser

U.S. Probation Officer

Date: April 24, 2006

---

THE COURT ORDERS

- [ ] No Action  
[ ] The Extension of Supervision as Noted Above  
FUS ☒ The Modification of Conditions as Noted Above  
[ ] Other

Fred Van Dille

Signature of Judicial Officer

April 26, 2006

Date